

Milwaukee County Circuit Court Local Rules Revision Project

Summary of Significant Changes to General Local Rules, Civil Division Rules and Criminal Division Rules

As of August 5, 2008 (Rules become effective January 1, 2009)

- ☐ The Business Court rules are repealed.
- ☐ Rule 1.19 requires parties to consult in person with the other side in a good-faith attempt to resolve motions before they are filed. An exception is made for dispositive motions.
- ☐ Rule 1.20 clarifies the requirements of the “five-day” rule and requires that an objection to an order submitted under the five-day rule be accompanied by a counter-order that satisfies the objection.
- ☐ Rule 3.16 prescribes particular form affidavits regarding service of the summons and complaint. Given the volume of default judgment motions the court must review, the purpose of the rule is to make the review process more efficient through uniformity. The rule prescribes the color of the paper on which the affidavit of service must be submitted (for ease of finding the affidavit in the file), but permits counsel to submit the original affidavit on whatever color the process server selects as long as it is accompanied by a photocopy on paper of the color prescribed by the rule.
- ☐ Rules 3.11, 3.13, 3.14 and 3.15 govern the briefing of various kinds of motions, including motions that were not previously addressed by the local rules. In general, the revised rules tend to impose shorter page limits and longer intervals between filing deadlines and the hearing on the motion. The court may make exceptions for good cause. An exception for collection cases is being formulated. A proviso regarding *Hefty v. v. Strickhouser*, 2008 WI 96, is being formulated.
- ☐ Rule 3.15, governing summary judgment motions, emulates federal local rules requiring that parties spell out the facts clearly enough for the court to determine efficiently whether material facts are in dispute, but the rules are not intended to create the extensive papering and motion practice that has built up around federal local rules.

- ☐ Rule 3.6 imposes a limit of 250 pages on exhibits attached to affidavits, unless permission to exceed the limit is obtained in advance from the court. The rule makes an exception for exhibits consisting only of insurance policies. Practitioners should keep in mind that every page of every such exhibit must be hand-numbered when the record is assembled for an appeal – whether anyone has read that page or not.
- ☐ Rule 3.9 simplifies the protocol for payment of the jury fee. The rule sets a single deadline for payment and provides that if one party pays, any party may request a jury trial, but if no party pays, the right to a jury trial is waived by all parties.
- ☐ Rule 3.27 creates a presumptive right for an attorney to appear for scheduling matters by telephone if the attorney's office is located outside Milwaukee County and if the attorney makes arrangements for all the other parties to appear by telephone.
- ☐ Rule 3.29, regarding minor settlements, states the court's presumption that the attorney's fee will not exceed 25% of the settlement unless extraordinary circumstances justify a larger fee. It also requires that the guardian ad litem confirm in writing after the hearing that settlement funds have been deposited or invested as provided in the court's order.
- ☐ Rule 1.9 specifies the format of documents acceptable for filing. The rule maintains certain current requirements, such as that all documents be 2-hole punched. The rule also requires that all documents state the electronic mail address of the person signing the document, and prohibits documents from being bound other than at the top left-hand corner (for ease of review when the documents are bound into the court file).
- ☐ Rule 1.18 requires that a party obtain a hearing date before filing a motion and states that motions filed without hearing dates will not be heard
- ☐ Rules 1.13 and 1.14 clarify rules regarding fax and electronic mail contact with the court. Fax and eMail filing are prohibited, however, parties may correspond with the court by fax or eMail if the court specifically invites such communication.
- ☐ Rule 3.24 requires that copies of learned treatises that are served on opposing parties before trial shall be filed with the court only if the document is offered in evidence at trial or if the right to offer the document is contested before trial.
- ☐ Rule 1.7 limits the hours during which cases may be heard. Except with permission of the Chief Judge, cases may not be heard after 5:00 p.m.

- ☐ Rule 1.22, regarding courtroom decorum, remains part of the local rules, and is largely unchanged, except that courtroom use of laptop computers and books is no longer prohibited.
- ☐ Rule 4.26 requires that trials in the criminal division be scheduled no more than 90 days beyond the date of the scheduling conference, unless the interests of justice require otherwise.
- ☐ Rule 4.27 provides that discovery demands and discovery motions shall not be filed unless they are contested. Currently, such documents are routinely filed but rarely acted upon by the court. The new rule is designed to reduce this waste of paper.
- ☐ Rules 4.8 through 4.12 spell out in detail the scope of certain Huber release privileges and release privileges awarded against jail time served as a condition of probation.
- ☐ Rule 4.29 spells out the rules governing how defendants are restrained in the courtroom.
- ☐ Rule 4.16 spells out the assignment of sentencing-after-revocation and reconfinement hearings for defendants against whom a new case is filed.
- ☐ Rule 4.19 specifies the prerequisites for obtaining a funeral pass for a person in custody.